

DOCKET NO. SHAM02-00010

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of : Ronald J. MacNeil
Assignee of Patent : Shamrock Lacrosse, Inc.
Patent Number : RE 37,894 E
Date of Reissue : October 22, 2002
For : LACROSSE STICK HEAD
Reissue of : U. S. Patent No. 5,494,297
Issued February 27, 1996
Application No. 08/285,125
Filed August 2, 1994

MAIL STOP 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

On September 5, 2007, Applicant filed a Petition to Accept Delayed Payment of Maintenance Fee with a payment of \$3,000.00 for the payment of the first and second maintenance fees, as well the surcharges for unavoidable delay. On January 11, 2008, a Decision on the Petition was issued by the Petitions Branch wherein the Petition was dismissed.

A Petition for Reconsideration of Decision Refusing to Accept Delayed Payment of Maintenance Fee was filed March 11, 2008 with a check for \$400.00 for the petition fee.

On February 11, 2009, a Decision on the Petition for Reconsideration of Decision Refusing to Accept Delayed Payment of Maintenance was issued by the Petitions Branch finally rejecting the petition. Further, in the Decision dated February 11, 2009, the Petitions Attorney indicated that the amount of \$3,000.00 paid in the original petition would be refunded. The Decision further indicated that a review of the finance records indicated that \$2,020.00 had already been refunded and that the balance due of \$980.00

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would be refunded to the Deposit Account shortly. The Decision incorrectly stated that the \$2,020.00 was already credited to our Deposit Account. The \$2,020.00 refund was actually issued by the Maintenance Fee Department based on their Notice of Non-Acceptance of Patent Maintenance Fee dated March 5, 2008, for the payment of the third maintenance fee paid on February 27, 2008. Therefore, Applicant is entitled to a \$2,020.00 refund for the original petition filed September 5, 2007.

As a further point, it has been noted during a telephone conference with the Office of Finance Department on March 29, 2011, that the \$400.00 petition fee paid with the Request for Reconsideration filed on March 11, 2008 was inadvertently charged against the parent patent (5,494,297) and should have been charged against this reissue patent. Therefore, the \$400.00 fee should not be deducted from the refund which is due Applicant in the amount of \$2,020.00.

Copies of the relevant documents have been attached to this request for reference purposes.

The Commissioner is hereby requested to refund the \$2,020.00 fee to Munck Carter Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, LLP

Date: 29 Sept. 2011
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John T. Mockler
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SEP. 29. 2011 4:33PM

NO. 5347 P. 1



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Facsimile Cover Sheet

To: Attn: Refund Request Department

Fax: 571-273-6500

From: John T. Mockler, Esq.

Date: September 29, 2011

Client/Matter: SHAM02-00010

THIS FAX CONSISTS OF 19 PAGE(S) (INCLUDING THIS COVER SHEET).
IF THERE IS A PROBLEM IN RECEIVING THIS FAX, PLEASE CALL (972) 628-3600

Patent No. RE 37,894

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NO. 5347 P. 2

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